



Patent
Attorney's Docket No. 1032693-000114

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP AF
Franklin C. Simon et al.)	Group Art Unit: 3629
Application No.: 10/804,299)	Examiner: MICHAEL J. FISHER
Filed: March 19, 2004)	Confirmation No.: 7817
For: TIME-BASED DISABLEMENT OF)	
EQUIPMENT)	

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Quayle Action mailed on August 2, 2006. It is our understanding that claims 1-11, 13-18 and 20 -45 are in condition for allowance.

As required in the Quayle Action, applicants submit herewith a Terminal Disclaimer over U.S. Patent No. 6,195,648.

The Examiner is requested to confirm the allowable claims.

Based on telephone conferences held with the Examiner on July 19 and August 8, 2006, the Examiner is authorized to cancel claims 12, 13 and 19 by Examiner's Amendment.

The Examiner is requested to indicate the status of the drawings filed on March 19, 2004.


If any additional information is required, the Examiner is requested to contact the undersigned.

Respectfully submitted,

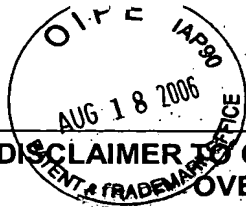
BUCHANAN INGERSOLL & ROONEY PC

Date: August 18, 2006

By:


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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Docket Number (Optional)
1032693-000114

In re Patent Application of: Franklin C. Simon et al.
Application No.: 10/804,299
Filed: March 19, 2004
For: TIME-BASED DISABLEMENT OF EQUIPMENT

The owner, Payment Protection Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No. 6,195,648. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

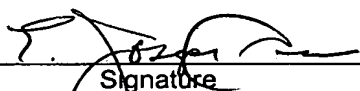
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: Expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature
E. Joseph Gess

Typed or printed name
703 836 6620

Telephone Number

August 1, 2006

Date

- ☐ Terminal disclaimer fee under 37 C.F.R. § 1.20(d) is included.

*Statement under 37 C.F.R. § 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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